THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 13496 of 2006

Dated: 18-10-2006

Between:

M/s Prakash Agricultural Industries
rep., by its Partner Pramod Kumar Garg.

..... PETITIONER

AND

Union of India,
Rep., by its secretary Defence,
Defence production, Ministry of Defence,
New Delhi and two others.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

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O R D E R:

The petitioner is a partnership firm registered under the provisions of the Indian Partnership Act, 1932 which is holding a licence issued by the Union of India for exporting various goods outside India and also for importing the same within India. It also manufactures different articles for use of Army and other Paramilitary and Police Forces.

The 2nd respondent herein is an Ordnance Factory which is a defence production unit under the Department of Defence (Production and Supplies).

It is not in dispute that in response to the tender notice issued by the 2nd respondent inviting tenders for supply of Jackal Armour Plates, required for manufacturing of Bullet-proof Armoured Vehicles, the petitioner firm stood as the successful bidder and pursuant thereto, a Supply Order dated 28-9-2005 was placed on the petitioner for supply of 560 MT of Jackal Armour Plates.

This writ petition is filed aggrieved by the order of the 2nd respondent dated 20-5-2006 whereunder it was decided that no tender enquiry will be issued to the petitioner in future as well as

the consequential orders dated 21-6-2006 and 22-6-2006 thereby canceling the parts of the contract and reducing the supply order quantity as arbitrary and illegal.

Though various grounds have been raised by the petitioner and the matter was heard at length and the orders were reserved, it is brought to the notice of this Court by way of an affidavit filed by the petitioner dated 13-10-2006 stating that during the pendency of the writ petition the respondent-authorities opened the tender called for vide tender notice dated 21-07-2006 and the petitioner was found to be the lowest tenderer. That apart, on 18-08-2006 discussions were held between the petitioner and the respondent-authorities and pursuant thereto the petitioner submitted letter dated 24-08-2006 requesting to grant extension for their supply order No.OFMK/RM/R32315, to enable their US supplier start production and shipment on urgent basis. Having considered the same, the respondent-authorities sent a fax message on 30-08-2006 enquiring the petitioner about certain aspects including whether the petitioner is willing to withdraw the present writ petition. Petitioner immediately sent fax message on 30-08-2006 itself expressing confirmation.

Learned counsel for the petitioner across the bar has also submitted that the petitioner would abide by the conditions imposed by the respondent in the fax message dated 30-08-2006 as confirmed by the petitioner in reply message dated 30-08-2006.

Having regard to the subsequent developments noted above, no adjudication is necessary on merits in the writ petition.

Accordingly, the writ petition is disposed of leaving it open to the respondents to take further steps as per the confirmation

expressed by the petitioner in their fax message dated 30-08-2006. No costs.

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G. ROHINI, J

Dated: 18-10-2006
Note: Issue C.C. by tomorrow.
B/o
KLP